

UNITED STATES DISTRICT COURT

for the
EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

Case Number: 13 mj 623

A USPS Priority Mail parcel with tracking number 9505 5102 9914 3121 4917 80 addressed to "David Taylor, 1028 E. Pacific St., Appleton, WI 54911," and containing the return address of "John Smith, 434 S 1300 E., SLC, UT 84102."

USDC EDWI
FILED IN GREEN BAY DIV

MAY - 3 2013

AT _____ O'CLOCK _____ M
JON W. SANFILIPPO

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Matt Schmitz, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

A USPS Priority Mail parcel with tracking number 9505 5102 9914 3121 4917 80 addressed to "David Taylor, 1028 E. Pacific St., Appleton, WI 54911," and containing the return address of "John Smith, 434 S 1300 E., SLC, UT 84102."

currently located in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 843(b).

The application is based on these facts:

- ☒ Continued on the attached sheet, which is incorporated by reference.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date 5-3 2013

City and state: Green Bay, Wisconsin

Applicant's signature
Name and Title: Matt Schmitz, U.S. Postal Inspector

Judge's signature
THE HONORABLE JAMES R. SICKEL
United States Magistrate Judge
Name & Title of Judicial Officer

AFFIDAVIT

Matt Schmitz, United States Postal Inspector, being duly sworn, states the following information was developed from his personal knowledge and from information furnished to him by other law enforcement agents and professional contacts:

1. I have been employed by the United States Postal Inspection Service for approximately nine years and was previously employed as a Police Officer with the City of Middleton (WI) and City of Janesville (WI) Police Departments for a total of six years. As part of my duties as a Postal Inspector, I investigate the use of the U. S. Mails to illegally send and receive controlled substances and drug trafficking instrumentalities. I have participated in investigations which have resulted in the arrest of individuals who have received and distributed controlled substances using the U.S. Mail, as well as the seizure of the illegal drugs and proceeds from the sale of those illegal drugs. My training and experience includes identifying packages with characteristics indicative of criminal activity, namely, the distribution of controlled substances.
2. This affidavit is submitted in support of an application for a search warrant for an 11.25 inch by 8.75 inch by 6 inch Priority Mail parcel with tracking number 9505 5102 9914 3121 4917 80, mailed on May 1, 2013, from Salt Lake City, UT 84108. This parcel bears addressee and return address information handwritten in black ink. The parcel is addressed to "David Taylor, 1028 E. Pacific St., Appleton, WI 54911" and bears a return address of "John Smith, 434 S 1300 E., SLC, UT 84102." The parcel weighs approximately 2 lbs., 10 ozs. and contains \$12.35 in postage.
3. On May 3, 2013, I received information from the Appleton Post Office that they had received a Priority Mail parcel addressed to "David Taylor" at "1028 E. Pacific St., Appleton, WI 54911." The Post Office reported the return address on the parcel was written as "John Smith, 434 S 1300 E, Salt Lake City, UT 84102." The Post Office told me they were suspicious of the parcel considering

the name "David Taylor" was not known to receive any mail at 1028 E Pacific St in Appleton. They also reported that on May 2, 2013, they (Appleton Post Office) delivered an Express Mail parcel with tracking number EU920154031US to "Sam Khatib, 1022 E Pacific St, Appleton, WI 54911" and that this Express parcel also contained the return address "John Smith, 434 S 1300 E, Salt Lake City, UT 84102." I know from my training and experience in controlled substance investigations that individuals may use a number of techniques when mailing parcels containing controlled substances in an attempt to avoid detection. Some of these techniques may include having parcels containing controlled substances mailed to more than one address that are in the same general area and addressing parcels to fictitious names. I also know from my training and experience that individuals mailing controlled substances using multiple parcels at one time often use different types of mailing services like Express Mail and Priority Mail. Finally, I know from my training and investigative experience as a Postal Inspector that USPS employees, especially those involved in the delivery aspect of postal operations, are knowledgeable about the characteristics of hazardous parcels and parcels that may contain controlled substances, as described above. Further, I have had personal contact with Appleton Post Office employees on previous controlled substance investigations in which, upon my direction, they assisted in retrieving parcels suspected of containing controlled substances.

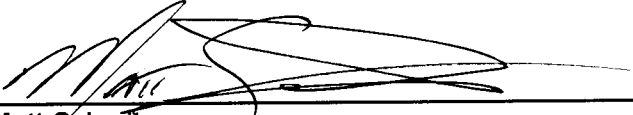
4. On May 3, 2013, I travelled to the Appleton Post Office and took custody of the subject Priority Mail parcel with tracking number 9505 5102 9914 3121 4917 80 for further investigation. During this visit I learned from the Appleton Post Office that the Express Mail parcel with tracking number EU920154031US weighed approximately three (3) pounds, eight (8) ounces, and was delivered on May 2, 2013, at approximately 10:00 AM, to 1022 E. Pacific St. I saw the label from this Express Mail parcel and saw that the return address was the same as the return address listed on the subject Priority Mail parcel with tracking number 9505 5102 9914 3121 4917 80. I also saw from

records maintained by the U.S. Postal Service, that these two parcels were mailed at the same Post Office in Salt Lake City, UT zip code 84108 on May 1, 2013, at approximately 1:30 PM.

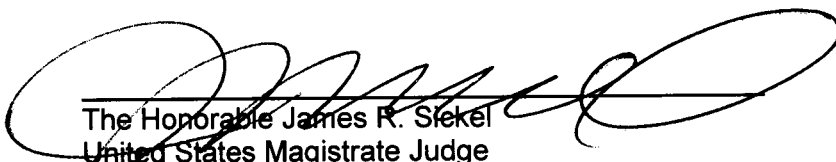
5. On May 3, 2013, I queried the Accurant Law Enforcement database for information on the return address listed on the parcel, "John Smith, 434 S 1300 E, SLC, UT 84102," and learned that no one with a last name of "Smith" was known to be associated with this address. I know from my training and experience in controlled substance investigations that individuals mailing controlled substances commonly use a fictitious name and/or return address that they are not associated with in an attempt to avoid detection by law enforcement.
6. On May 3, 2013, after retrieving the subject Priority Mail parcel with tracking number 9505 5102 9914 3121 4917 80 from the Appleton Post Office, Postal Inspector Derik Thieme and I travelled to the Appleton (WI) Police Department to present the subject parcel to a dog sniff by Appleton Police K-9 Officer Haney and his certified drug detection dog "Jico." Officer Haney explained that Jico is trained in detecting the presence of marijuana, cocaine, heroin, methamphetamine, ecstasy, and was last certified in March, 2013. Upon Officer Haney's approval, I placed the subject Priority Mail parcel with tracking number 9505 5102 9914 3121 4917 80 on top of an empty desk in a large room occupied by multiple cubicles at the Appleton Police Department. Jico and Officer Haney examined the room where the subject parcel had been placed and Officer Haney reported that Jico alerted to the presence of controlled substances in the subject Priority Mail parcel. Jico did not alert to the presence of controlled substances in any other location in the room.
7. Postal Regulation Sec. 274.31 of the United States Postal Service Administrative Support Manual states that no one may detain mail sealed against inspection, except under the following condition: A Postal Inspector acting diligently and without avoidable delay, upon

reasonable suspicion, for a brief period of time, to assemble evidence sufficient to satisfy the probable cause requirement for a search warrant issued by a Federal Court.

8. For these reasons, there is probable cause to believe that the Priority Mail parcel with tracking number 9505 5102 9914 3121 4917 80 contains controlled substances and/or controlled substance paraphernalia. I am seeking the issuance of a warrant to search this parcel and the contents contained therein for contraband and evidence of a crime, namely, possession and possession with the intent to distribute controlled substances, and use of the mails to commit a controlled substance felony, in violation of Title 21, United States Code, Sections 841(a)(1), 843(b), and 844.


Matt Schmitz
U.S. Postal Inspector

Subscribed and sworn to before me this 3 day of May, 2013.


The Honorable James R. Siekel
United States Magistrate Judge
Eastern District of Wisconsin